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312 IAC 9-10-17 Aquaculture permit

Authority: IC 14-22-2-6

Affected: IC 14-22-27

Sec. 17. (a) A person must not import, raise, sell, or transport fish into or within Indiana without an aquaculture permit issued

under this section, except as provided in:

- (1) sections 14 through 15 of this rule; or
- (2) subsection (b).

(b) A permit is not required under this section by a person who possesses fish, other than those listed in 312 IAC 9-6-7, and

who is engaged in either of the following:

- (1) The production, importation, or sale of live fish exclusively for use in the aquarium pet trade.
- (2) The importation of live fish exclusively for confinement and exhibition in a zoo or another public display.

(c) An application for an aquaculture permit shall be prepared on a department form. The director may attach any appropriate

conditions to a permit. The permit expires on December 31 of the year of issuance.

(d) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport triploid

grass carp is based on the following conditions:

- (1) No stocking of triploid grass carp may take place in public waters except as provided in IC 14-22-27.
- (2) The seller must deliver and stock the fish.

(3) A copy of each bill of sale and triploidy certification must be conveyed to each buyer and must be retained by the permit

holder for two (2) years.

(4) A purchaser of triploid grass carp must retain the bill of sale and the triploidy certification for at least two (2) years.

(5) A permit holder must submit a quarterly report on a departmental form not later than the fifteenth day of the month

following the end of a quarter, regardless of whether fish have been stocked during the time period.

(6) Fish holding facilities, stocking reports, stocking trucks, other documents required under this subsection, and live fish may

be inspected at any reasonable time by the division or a conservation officer. Not more than six (6) fish from a lot or truck load

may be removed by the department for verification of the chromosome number.

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(7) As used in this subsection and subsection (e), "triploid grass carp" means grass carp certified to be triploid by the U.S. Fish

and Wildlife Service.

(e) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport diploid

grass carp is based on the following conditions:

(1) No stocking of diploid grass carp may take place in any public or private waters except as provided in this subsection and

IC 14-22-27.

(2) A live diploid grass carp may be possessed only for the purpose of producing triploid grass carp or producing diploid grass

carp capable of producing triploid grass carp.

(3) A diploid grass carp may be sold only to a person who holds a valid aquaculture permit.

(4) All diploid grass carp must be held in a closed aquaculture system.

(5) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must submit an annual report to the

division on a department form.

(6) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must be capable of accurately determining the number of sets of chromosomes of the fish in the possession of the permit holder under certification procedures of the U.S. Fish and Wildlife Service.

(Natural Resources Commission; 312 IAC 9-10-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; filed May 28, 1998, 5:14 p.m.: 21 IR 3730; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554)

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312 IAC 9-10-15 Fish importation permit

Authority: IC 14-22-2-6

Affected: IC 14-22

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Sec. 15. (a) Except as provided in subsection (e), a person must obtain a fish importation permit under this section before a

person imports any live fish for sale or release.

(b) An application for a fish importation permit must be submitted by an applicant at least ten (10) days in advance of the proposed date of importation.

(c) An applicant must establish that a fish to be imported:

- (1) is free of any communicable disease;
- (2) will not become a nuisance; and
- (3) will not damage a native wild species or a domestic species of animal or plant.

(d) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who is either engaged in:

- (1) importing live fish exclusively for confinement and exhibit in a zoo or another public display; or
- (2) supplying live fish for use in the aquarium pet trade.

(e) Live fish of the following species other than genetically altered fish, may be imported without obtaining a permit under this section:

- (1) Black crappie.
- (2) Blue catfish.
- (3) Bluegill.
- (4) Bluntnose minnow.
- (5) Bowfin.
- (6) Buffalo.
- (7) Bullhead.
- (8) Burbot.
- (9) Carp.
- (10) Channel catfish.
- (11) Fathead minnow.
- (12) Flathead catfish.
- (13) Freshwater drum.
- (14) Golden shiner.
- (15) Goldfish.
- (16) Green sunfish.
- (17) Hybrid sunfish.
- (18) Largemouth bass.
- (19) Mosquitofish.

- (20) Muskellunge.
- (21) Northern pike.
- (22) Paddlefish.
- (23) Redear sunfish.
- (24) Rock bass.
- (25) Smallmouth bass.
- (26) Striped bass.
- (27) Sucker.
- (28) Walleye.
- (29) Warmouth.
- (30) White bass.
- (31) White catfish.
- (32) White crappie.
- (33) Yellow perch.

(Natural Resources Commission; 312 IAC 9-10-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

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312 IAC 9-10-14 Fish hauler's and supplier's permit

Authority: IC 14-22-2-6

Affected: IC 14-22-16

Sec. 14. (a) A fish hauler's and supplier's permit must be obtained under this section before a person:

- (1) imports live fish from another state or another country for sale; or
 - (2) produces live fish for sale.
- (b) An application for a permit must be completed on a departmental form.
- (c) A permit expires on December 31 for the year of its issuance.
- (d) Subject to conditions imposed on the permit by the department, a permittee may import, produce, or sell live fish of the species listed under section 15(e) of this rule and the following species:

- (1) Brown trout.
- (2) Hybrid striped bass.
- (3) Rainbow trout.
- (4) Tiger muskellunge.
- (5) Tilapia.

(e) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who either:

- (1) is engaged in producing, importing, or selling live fish exclusively for use in the aquarium pet trade; or
- (2) holds a bait dealer's license under IC 14-22-16 and is engaged exclusively in the sale of live fish for bait.

(Natural Resources Commission; 312 IAC 9-10-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; errata filed Jun 2, 1997, 3:20 p.m.:

20 IR 2789; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 9-10-8 Fish stocking permits

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) It is unlawful to stock fish unless a permit is obtained from the division under this section.

(b) An application for a fish stocking permit shall include the following information:

- (1) Species and number of fish to be stocked.
- (2) Location of waters to be stocked.

- (3) Reasons for stocking.
- (4) Date of proposed stocking.
- (5) The source of the fish to be stocked.

(Natural Resources Commission; 312 IAC 9-10-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

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312 IAC 9-10-19 Fish tagging or marking permit

Authority: IC 14-22-2-6

Affected: IC 14-22-27

Sec. 19. (a) It is unlawful to place a mark or tag on a fish and release it into public waters without a permit issued by the department under this section.

(b) An application for a fish tagging and marking permit shall be made on a departmental form.

(c) This form must be received by the department at least twenty-one (21) days before the proposed date of tagging or marking

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and must include the following information:

(1) The name, address, and telephone number of the person applying for the permit.

(2) The name of the waterway and county where tagging or marking will occur.

(3) The species, size, and number of fish to be tagged or marked.

(4) The tagging or marking dates.

(5) The reason for tagging or marking fish.

(d) The permit holder must carry the permit while tagging or marking fish and present it to a department representative upon request.

(e) An application for a fish tagging or marking permit is subject to specifications set forth in the application and to terms and conditions set by the department.

(f) A permit issued under this section expires no later than December 31 of the year issued.

(g) The permit cannot be transferred or sold for use by another individual.

(h) The department may withdraw use of the permit for resource protection or management purposes.

(i) A report of marking and tagging by species, number, size of fish, and location must be submitted to the department within

fifteen (15) days after the expiration of the permit. *(Natural Resources Commission; 312 IAC 9-10-19; filed May 28, 1998, 5:14 p.m.:*

21 IR 3731; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

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312 IAC 9-10-3 Aquatic vegetation control permits

Authority: IC 14-22-2-6; IC 14-22-9-10

Affected: IC 14-22-9-10

Sec. 3. (a) Except as provided under IC 14-22-9-10(a), a person must obtain a permit under this section before seeking to control aquatic vegetation through chemical, mechanical, physical, or biological means in waters of the state.

(b) Before obtaining a permit under this section, a person must complete an application on a departmental form that includes the following information:

- (1) The common name of the target plants and relative abundance of other dominant plants in each area to be controlled.
 - (2) The acreage to be controlled, with affected areas illustrated on a legible map.
 - (3) The maximum depth of the water, the maximum perpendicular distance from shoreline, and the linear distance along the shoreline where plants are to be treated.
 - (4) The name and amount of the chemical to be used in each treatment, if a chemical control is used.
 - (5) The duration and timing of control efforts, if controls will be repeated under a single permit.
 - (6) The location of any water supply intake that may be adversely affected by the aquatic vegetation control activities.
 - (7) The species, stocking rate, and release location, if a biological control is used.
 - (8) The type of equipment and location of disposal area, if a mechanical control is used.
 - (9) The name and contact information for the person who will conduct the control effort.
- (c) An applicant for a permit under this section must demonstrate each of the following to the satisfaction of the department:
- (1) The proposed treatment is likely to provide effective relief.
 - (2) The proposed treatment will not result in any of the following:
 - (A) A hazard to humans, animals, or other nontarget organisms.
 - (B) A significant adverse impact to the treated waterway.
 - (C) A significant adverse impact to endangered or threatened species.
 - (D) A significant adverse impact to beneficial organisms within the treatment area or in adjacent areas, either directly or through habitat destruction.
 - (E) An unreasonable restriction on an existing use of the waterway.
 - (3) The proposed treatment will not occur within one hundred fifty (150) feet perpendicular to the shoreline of a public freshwater lake, along an area classified as a significant wetland under 312 IAC 11-2-24, except where the applicant demonstrates the treatment can be conducted without reducing the ecological value of the area.
 - (4) The following apply if a chemical is to be used for aquatic vegetation control:
 - (A) The chemical is labeled and registered for this purpose by the United States Environmental Protection Agency.
 - (B) Prior written approval is received from the department of environmental management if the waterway to be treated is a public drinking water supply.
 - (5) Any other information reasonably required by the department to effectively review the application.
 - (d) A permit issued under this section is limited to the terms of the application and to conditions imposed on the permit by the department.
 - (e) Except as otherwise provided in this subsection, five (5) days before the application of a substance permitted under this section, the permit holder must post clearly visible signs at the treatment area indicating the substance that will be applied and what precautions should be taken. For a treatment to be performed on a reservoir for drinking water supply that is owned by a municipality, the posting required under this subsection may be provided no later than thirty-six (36) hours before the permitted activity.
 - (f) A permit holder must submit a report on a departmental form not later than the seven (7) days following the control effort, providing the date, location, acreage, and method used in each area where controls were implemented.

(Natural Resources

Commission; 312 IAC 9-10-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286;

filed Nov 14, 2003, 5:30 p.m.: 27 IR 1165, eff Jan 1, 2004)

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